

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:19-cr-00118

EDUARDO RIOS-RIOS

**ORDER REGARDING INITIAL APPEARANCE
AND DETENTION**

On the 7th day of May 2019, pursuant to an indictment, came the United States of America, by R. Gregory McVey, Assistant United States Attorney, and the defendant, in person and by counsel, Lex A. Coleman, Assistant Federal Public Defender, for an initial appearance, arraignment, and detention hearing. Also present was Elizabeth Carico, Court Interpreter, and Beth Srednicki, United States Probation Officer.

The above-named defendant, having been found to be indigent and entitled to appointment of counsel pursuant to the Criminal Justice Act,

It is hereby **ORDERED** that the office of the Federal Public Defender is appointed to represent the defendant. In the event of a conflict, it is **ORDERED** that a CJA Panel Attorney be appointed to represent the defendant in place of the Federal Public Defender. This matter is referred to the CJA Supervising Attorney to facilitate the appointment of counsel.

The Court informed the defendant of his rights and of the alleged charges, in accordance with the provisions of Rule 5, *Fed. R. Crim. P.* The Court also advised the

defendant of his right to have a consular officer notified of his arrest and potential detention. Defendant declined to have a consular officer notified at this time. The parties agreed to standard discovery, and the Court provided the parties with the pre-trial and trial schedule.

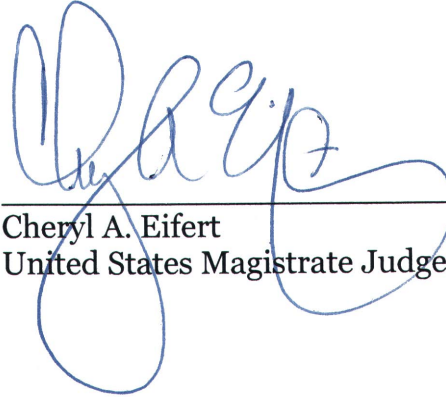
After completing the initial appearance and arraignment, the Court turned to the question of detention. The United States filed a Motion for a Detention Hearing, which the Court **GRANTED**. (ECF No. 5). The United States argued that, under the circumstances, the defendant was a risk of nonappearance. In addition, the Court was advised that Immigration and Customs Enforcement (“ICE”) had filed a detainer seeking immediate administrative custody of the defendant in the event that he was released on bond. Based upon the information available to the Court, the nature of the pending charges against the defendant, and the ICE detainer, the Court finds by a preponderance of the evidence that there are no conditions of release that would reasonably assure the appearance of the defendant at future proceedings. Therefore, it is hereby **ORDERED** that defendant be detained pending resolution of the charges against him, or until further order of the court.

It is **ORDERED** that defendant be remanded to the custody of the United States Marshals Service. Defendant shall be committed to the custody of the Attorney General for confinement in a federal correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. In addition, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver defendant to a United States Marshal for the purpose of an

appearance in connection with a court proceeding.

The Clerk is directed to provide a copy of this Order to the defendant, counsel of record, the CJA Supervising Attorney, the Probation Department, and the United States Marshals Service.

ENTERED: May 8, 2019

A handwritten signature in blue ink, appearing to read 'Cheryl A. Eifert', is written over a horizontal line. The signature is stylized and cursive.

Cheryl A. Eifert
United States Magistrate Judge